

MINUTES

CITY COUNCIL MEETING
TUESDAY, JUNE 1, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:32 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Manuel Zardon, Councilman Jorge A. Merida and Councilman Jorge Gutierrez. Mayor Yioset De La Cruz and City Attorney Charles A. Citrin joined the meeting at 7:34 p.m.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** May 18, 2004: Chairman Garcia made a motion to approve the minutes of May 18, 2004, seconded by Councilman Merida. The motion was approved by unanimous consent.
7. **Public Comments:** None were offered.
8. **Public Hearing to determine revocation or conditions of occupational license for:** Hialeah Gardens Palace Entertainment, 10600 N.W. 77th Court, Hialeah Gardens, Owner: Mr. Martiel LeBlanc, Mr. Robert Bourdages.

Mr. Michael Wolf, attorney for the applicant was present, as were Mr. Robert Bourdages and Mr. Martiel LeBlanc. At this time, City Attorney Citrin swore in all those who would be testifying. Mrs. Aida Martinez Ruiz, Assistant City Attorney came forward and gave a detailed background of the City's actions with regard to Hialeah Gardens Palace Entertainment, including the issuance of verbal warnings, civil violations, extensions granted for compliance, and denial of the renewal of their occupational license. As a result of these actions a cease and desist order was issued by the City on April 26, 2004. Staff has recommended that the City Council give the administration authority to do whatever is legally permissible to safeguard the City including but not

limited to asking the courts to seek an injunction or otherwise do what is permissible to ensure that the closure of the business is effectuated. Following Mrs. Martinez-Ruiz's comments, Mr. Wolf came forward and gave testimony regarding the efforts of the establishment to come into compliance with the City code. Ms. Sharon Holas, of Permits and Home Inspections, Inc., who was hired by the applicant to assist in rectifying the problems at the establishment, also came forward and provided testimony regarding her progress in obtaining the required permits. Mrs. Martinez Ruiz questioned Ms. Holas on her testimony and the length of time it had been taking to rectify the violations cited even after an extension had been granted. It was also determined that alterations had been made to the building without proper permits, that the Miami-Dade Fire Department had not provided their final approval to date and that the establishment did not hold a current occupational license. Comments were made by Chairman Garcia regarding the safety of the building for the use of the public. Mayor De La Cruz also made comments regarding the safety issues.

At this time Ms. Maria Valls, architect for the applicant, gave testimony regarding her efforts to bring the building into code including recommendations made by the Fire Department. It was stipulated from the testimony of Ms. Valls that the building is presently not up to code. Mrs. Martinez Ruiz questioned Ms. Valls on her testimony. Chairman Garcia also questioned Ms. Valls regarding her testimony.

Recess was called at 8:38 p.m.

The meeting reconvened at 8:43 p.m.

Mr. Martiel LeBlanc, co-owner came forward and gave testimony regarding his initial leasing of the establishment and his efforts of obtaining permits in order to bring the establishment into compliance; including the hiring of professionals to help with this process. Mrs. Martinez Ruiz questioned Mr. LeBlanc regarding his testimony. It was determined that the Fire Department had not issued a final approval because the violations had not been corrected. It was also determined by Mr. LeBlanc's testimony that the establishment continues to operate its business disregarding the cease and desist order. At this time Mr. Citrin explained the meaning of a cease and desist order. Mr. Le Blanc agreed to close his business if the Council votes to accept staff recommendations and that he would continue to work to bring the establishment up to code.

Mr. Rey Regalado, Chief Building Official came forward and gave testimony regarding the violations found as a result of his inspection, specifically electrical work that had been done without permits, structural deficiencies and insufficient handicap access. Mrs. Martinez Ruiz questioned Mr. Regalado on his testimony. Mr. Wolf also questioned Mr. Regalado on his testimony.

Mr. Arturo L. Ruiz, Director of Administration came forward and was questioned by Mrs. Martinez Ruiz regarding the chronology of events and the numerous verbal and written citations issued by the City which led to the cease and desist order.

Chairman Garcia opened the public hearing at 9:14 p.m., no one came forward, therefore Chairman Garcia closed the public hearing at 9:14 p.m. Mr. Wolf was given the opportunity to give a summation of the case. Mrs. Martinez Ruiz also came forward and gave her summation of the case. Chairman Garcia offered final comments regarding the

responsibility of the business owner to comply with the all City requirements and the fact that ample time had been provided to them to this effect. Chairman Garcia made a motion to adopt staff recommendations, seconded by Councilman Zardon. The motion was approved by individualized voice vote (**Vote 5-0**).

9. Second Reading / Public Hearing for consideration and final adoption of the following ordinance:

A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR JULIAN'S ESTATE. APPROXIMATE LOCATION: BETWEEN NW 121 STREET AND NW 122 STREET, WEST OF NW 87 AVE. AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", FOLIO #: 27-2033-001-0011 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia read the full ordinance into the record. Mr. Charles Jones was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations stating that the final plat was in compliance. Chairman Garcia opened the public hearing at 9:34 p.m., no one came forward; Chairman Garcia closed the public hearing at 9:34 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (**Vote 5-0**).

10. **City Attorney's Report:** None was offered at this time
11. **Mayor's Report – Miscellaneous:** Stated that there will be a recess in the month of July and that a special meeting will be scheduled for June 30, 2004 to address the capital improvement revenue bonds.
12. **Council Members Concerns/Reports – Miscellaneous:** No comments.
13. **Adjournment:** The meeting was adjourned at 9:37 p.m.

Respectfully submitted by:

Maria L. Joffe
City Clerk

Any person desiring to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

SCHEDULE OF FUTURE MEETINGS:CITY COUNCIL

July Recess

Tuesday, August 3, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

July Recess

Monday, August 9, 2004, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

July Recess

Wednesday, August 4, 2004, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, June 22, 2004, 7:00 P.M.

POLICE PENSION BOARD

Thursday, August 26, 2004, 7:00 P.M.